

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re Sitagliptin Phosphate ('708 & '921) Patent  
Litigation

MDL No. 19-2902-RGA

MERCK SHARP & DOHME LLC,

*Plaintiff,*

v.

C.A. No. 21-315-RGA

ZYDUS WORLDWIDE DMCC, ZYDUS  
PHARMACEUTICALS (USA) INC. and  
ZYDUS LIFESCIENCES LTD.,

*Defendants.*

**STIPULATION AND [PROPOSED] ORDER**

This stipulation is made by and between Plaintiff Merck Sharp & Dohme LLC (“Merck”) and Defendants Zydus Worldwide DMCC, Zydus Pharmaceuticals (USA) Inc., and Zydus Lifesciences Ltd. (collectively, “Zydus”).

WHEREAS, the parties desire to streamline the issues in the present case;

IT IS THEREFORE STIPULATED AND AGREED, by and between the parties, subject to the approval of the Court that:

1. Merck and Zydus will be bound by any ruling related to the validity of claims 21 or 22 of U.S. Patent No. 7,326,708 (the “’708 patent”) in *Mylan Pharms. Inc. v. Merck Sharp & Dohme Corp.*, No. 21-2121 (Fed. Cir.), any other appeal from a Final Written Decision in IPR2020-00040, or any Final Written Decision in IPR2020-00040 from which an appeal is not taken and will not otherwise present any other evidence or argument regarding the validity of claims 21 and 22 of the ’708 patent in the present case.

Dated: August 31, 2022

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Lifesciences Limited*

**IT IS SO ORDERED this 31 day of August, 2022.**

/s/ Richard G. Andrews

**UNITED STATES DISTRICT JUDGE**